

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

RYAN, LLC,

Plaintiff,

CHAMBER OF COMMERCE OF
THE UNITED STATES OF
AMERICA, *et al.*,

Plaintiff-Intervenors,

v.

FEDERAL TRADE COMMISSION,

Defendant.

CASE NO.: 3:24-CV-986-E

**UNOPPOSED MOTION OF AMERICAN ACADEMY OF EMERGENCY
MEDICINE FOR LEAVE TO FILE BRIEF AS *AMICUS CURIAE* IN
SUPPORT OF DEFENDANT AND IN OPPOSITION TO PLAINTIFF’S AND
INTERVENORS’ MOTIONS FOR STAY OF EFFECTIVE DATE AND
PRELIMINARY INJUNCTION**

The American Academy of Emergency Medicine (AEEM) respectfully moves this Court for leave to file the accompanying brief as an *amicus curiae* in support of Defendant Federal Trade Commission (FTC) and in opposition to Plaintiff’s and Intervenors’ motions for stay of effective date and preliminary injunction. For the reasons described below, the proposed brief contains relevant material that may aid the Court in resolving the issues raised by Plaintiff’s and Intervenors’ motions.

Counsel for the Parties have been consulted regarding this motion, and all Parties consent to this motion.

Amicus is uniquely positioned to opine on the FTC's Non-Compete Clause Rule, 89 Fed. Reg. 38,342 (May 7, 2024) ("Rule" or "Final Rule"), given its membership's experience with such agreements. The American Academy of Emergency Medicine is a three decade-old organization representing more than 8,000 board-certified emergency room physicians across the country. In Texas, we have over 500 members. AAEM was established in 1993 to promote fair and equitable practice environments necessary to allow emergency physicians to deliver the highest quality of patient care.

This case involves challenges to a rule promulgated by the FTC pursuant to Sections 5 and 6(g) of the Federal Trade Commission Act. AAEM has extensive experience with non-compete agreements in the context of emergency medicine. Our organization is interested in this topic and the outcome of this litigation because many of our members are bound by non-compete agreements. These agreements negatively impact our physician members and their patients. Ensuring that the Final Rule becomes effective immediately, without delay, will significantly benefit patient access to care, patient quality-of-care, overall innovation in the healthcare sector, our membership, and the public interest. AAEM seeks leave of the Court to submit this brief in order to

share the benefit of its members' experience and expertise, and to provide information that is otherwise unlikely to be brought to the Court's attention by the Parties.

CONCLUSION

The Court should grant *amicus* leave to file the attached brief in support of Defendant and in opposition to Plaintiff's and Intervenors' motions for stay of effective date and preliminary injunction.

Dated: June 5, 2024

Respectfully submitted,

/s/ Amanda G. Lewis

Amanda G. Lewis

(*pro hac vice* pending)

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CERTIFICATE OF WORD COUNT

This document complies with the Court's word count requirement because it contains 388 words.

Dated: June 5, 2024

Respectfully submitted,

/s/ Amanda G. Lewis

Amanda G. Lewis

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CERTIFICATE OF CONFERENCE (Local Rule 7.1)

I hereby certify that on May 29, 2024, I conferred with counsel for Plaintiff, counsel for Intervenors, and counsel for the Federal Trade Commission (FTC) for their position on this motion. Counsel for Plaintiff, Intervenors, and the FTC consent to the relief requested in the motion.

Dated: June 5, 2024

Respectfully submitted,

/s/ Amanda G. Lewis

Amanda G. Lewis

(*pro hac vice* pending)

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CERTIFICATE OF SERVICE

I hereby certify that, on June 5, 2024, I electronically filed this document using the ECF System, which will send notification to the ECF counsel of record.

Dated: June 5, 2024

Respectfully submitted,

/s/ Amanda G. Lewis

Amanda G. Lewis

(*pro hac vice* pending)

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